

Application No. 10/734,149
Response dated January 12, 2006
Response to Action of October 12, 2005

- 4 -

Remarks/Arguments

Claims 16, 40, 43 and 51 are pending in the application.

No new matter has been added by the amendments made herein, further details of and support for which amendments are provided below.

With reference to paragraph 2 on page 2 of the action dated October 12, 2005, Applicants can find no amino acid sequence on page 28 of the specification. Clarification is requested.

The first paragraph of the specification has been amended to reflect the status of parent 09/313,177, which is now issued.

The title has been amended to be clearly indicative of the invention to which the claims are directed. Applicants request that the title as amended be entered into the PTO records. An amended Application Data Sheet is also enclosed.

Claim 16 has been amended to delete subject matter related to a variant nucleotide sequence that has at least 62.6% identity with the full length of SEQ ID NO:1 and that hybridizes thereto under high stringency conditions which include a wash step in 0.1xSSC, 1% SDS at 65°C for 3 hours. Claims requiring mixing of an antigen and polypeptide prior to administering, requiring the polypeptide to be recombinant, requiring administering in combination with a pharmaceutical excipient, and requiring the polypeptide and antigen to be provided in a kit have been deleted.

Applicants believe these amendments render moot rejections based on new matter and all rejections under 35 U.S.C. 112, first paragraph as set out in the action of October 12, 2005.

Applicants note that this response is being submitted within the time period set for responding to the non-final action of October 12, 2005, and believes that all issues raised in that action have now been fully addressed. In the event that this paper is not

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- 5 -

received within the required time limit, Applicants request that the time for filing the enclosed response be extended pursuant to 37 CFR 1.136(a) as may be required. Please charge any fees which may be required for the papers being filed with this letter to our Deposit Account No. 502651.

Any telephone call regarding this submission should be made to the undersigned at (416) 865-8121.

Yours very truly,



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January 12, 2006
Date

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